

ALEXANDER DORR
January 13, 2010

 COPY

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

3	PAUL DORR and)	No.
	ALEXANDER DORR,)	5:08-cv-040903-MWB
4	Individually and On)	
	Behalf of All Other)	
5	Persons Similarly)	
	Situated,)	
6)	
	Plaintiffs,)	
7)	
	vs.)	
8)	
	DOUGLAS L. WEBER,)	
9	Individually and In)	
	His Capacity as)	
10	Sheriff, and His)	
	Successors, THE)	
11	OSCEOLA COUNTY)	
	SHERIFFS DEPARTMENT,)	
12	IOWA, and OSCEOLA)	
	COUNTY, IOWA,)	
13)	
	Defendants.)	

14 * * * *

15 Telephonic Deposition of ALEXANDER DORR, the
16 deponent herein, taken on behalf of the
17 defendants herein, at 4280 Sergeant Road, Suite
18 290, Sioux City, Iowa, on Wednesday, January
19 13, 2010 at 11:06 a.m., before Norine F.
Kennedy, Certified Shorthand Reporter in and
for the State of Iowa, of Kennedy & Kennedy,
Certified Court Reporters, 308 24th Street,
Sioux City, Iowa.

20 APPEARANCES:

21 MR. VINCENT J. FAHNLANDER
22 Attorney at Law, of
23 Mohrman & Kaardal P.A.
33 South Sixth Street
Suite 4100
Minneapolis, Minnesota 55402

24 Appearing on behalf of the Plaintiffs;
25

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2

1 APPEARANCES: (Continued)

2 MR. DOUGLAS PHILLIPS
3 Attorney At Law, of
4 Klass Law Firm
5 4280 Sergeant Road
6 Suite 290
7 Sioux City, Iowa 51106

8 Appearing on behalf of the Defendants.

9 * * * *
10 Also Present: Paul Dorr

11 * * * *
12 Reported by Norine F. Kennedy, CSR, CP, RPR
13 * * * *

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* * *

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<p style="text-align: center;">4</p> <p>1 MR. PHILLIPS: Vince, are you back?</p> <p>2 MR. FAHNLANDER: Yes, I am.</p> <p>MR. PHILLIPS: Okay. And we have</p> <p>both Mr. Dorrs?</p> <p>5 PAUL DORR: Yes.</p> <p>6 ALEXANDER DORR: Correct.</p> <p>7 MR. PHILLIPS: Okay. I think we're</p> <p>8 ready to go. Counsel, can we have the same</p> <p>9 stipulation with respect to the reporter and</p> <p>10 the taking of this deposition on today's date</p> <p>11 that we had in the Paul Dorr deposition?</p> <p>12 MR. FAHNLANDER: Yes.</p> <p>13 MR. PHILLIPS: Thank you.</p> <p>14 Mr. Alexander Dorr, are you ready to go?</p> <p>15 ALEXANDER DORR: I am.</p> <p>16 MR. PHILLIPS: Were you present</p> <p>17 during your father's deposition that we took</p> <p>18 this morning?</p> <p>19 ALEXANDER DORR: Yes, I was.</p> <p>20 MR. PHILLIPS: I won't repeat</p> <p>21 everything that I just said to your father</p> <p>22 about the importance of going slow in a</p> <p>23 telephone deposition, but please go slow.</p> <p>24 Okay?</p> <p>ALEXANDER DORR: Yes.</p>	<p style="text-align: center;">6</p> <p>1 A. Correct.</p> <p>2 Q. Are you in school?</p> <p>3 A. I will be returning to college in a</p> <p>4 matter of days.</p> <p>5 Q. Where do you go to college?</p> <p>6 A. Atlanta, Georgia.</p> <p>7 Q. What college?</p> <p>8 A. Christ College.</p> <p>9 Q. Would you spell that, please?</p> <p>10 A. C-h-r-i-s-t. It's Christ College. It's</p> <p>11 C-h-r-i-s-t C-o-l-l-e-g-e.</p> <p>12 Q. What year are you in?</p> <p>13 A. This will be my second semester as a</p> <p>14 freshman.</p> <p>15 Q. Have you declared a major?</p> <p>16 A. No, I haven't.</p> <p>17 Q. What are your interests in that regard?</p> <p>18 A. I'm going there to refine my</p> <p>19 understanding of the Biblical understanding of</p> <p>20 theology, apologetics, world history and church</p> <p>21 history.</p> <p>22 Q. Any idea what you want to do when you</p> <p>23 finish school?</p> <p>24 A. I do not.</p> <p>25 Q. Where did you go to high school?</p>
<p style="text-align: center;">5</p> <p>1 MR. PHILLIPS: Okay. Our court</p> <p>2 reporter is going to swear you in.</p> <p>3 ALEXANDER DORR</p> <p>4 being first duly sworn, testified as follows:</p> <p>5 E X A M I N A T I O N</p> <p>6 BY MR. PHILLIPS:</p> <p>7 Q. Would you please state your name for the</p> <p>8 record.</p> <p>9 A. Alexander Lee Dorr.</p> <p>10 Q. How old are you?</p> <p>11 A. I am 20 years old.</p> <p>12 Q. When were you born?</p> <p>13 A. .</p> <p>14 Q. Where do you live?</p> <p>15 A. I live at n.</p> <p>16</p> <p>17 Q. Does anyone else live there with you?</p> <p>18 A. The rest of my family does, yes.</p> <p>19 Q. And that would include your father Paul</p> <p>20 Dorr?</p> <p>21 A. Yes, it would.</p> <p>22 Q. And what's your mother's name?</p> <p>23 A. Debra Leigh Dorr.</p> <p>24 Q. And some of your brothers and sisters</p> <p>25 live there as well, as I understand it?</p>	<p style="text-align: center;">7</p> <p>1 A. Home schooled.</p> <p>2 Q. When did you finish your home schooling?</p> <p>3 A. 2008.</p> <p>4 Q. Are you employed?</p> <p>5 A. Not currently, no. I am a -- I am a</p> <p>6 farmhand in the fall and spring when I -- when</p> <p>7 I have time in the spring.</p> <p>8 Q. Where?</p> <p>9 A. VanWyk Farms.</p> <p>10 Q. Where is that?</p> <p>11 A. Three miles south of town. It is two</p> <p>12 brothers who just need some help.</p> <p>13 Q. How do you spell VanWyk?</p> <p>14 A. V-a-n W-y-k.</p> <p>15 Q. As I understand it, at some point in</p> <p>16 your life you applied for a permit from the</p> <p>17 Osceola County Sheriff to carry a concealed</p> <p>18 weapon; is that correct?</p> <p>19 A. That is correct.</p> <p>20 Q. When did you apply?</p> <p>21 A. 2008.</p> <p>22 Q. Is that the only time that you've</p> <p>23 applied?</p> <p>24 A. Yes, it is.</p> <p>25 Q. Your application was denied?</p>

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<p style="text-align: right;">8</p> <p>1 A. Yes, it was.</p> <p>2 Q. Did you have any conversation with the</p> <p>3 sheriff either at the time you applied or at</p> <p>4 the time of the denial or at any other time for</p> <p>5 that matter about this process?</p> <p>6 A. I did not.</p> <p>7 Q. Did you talk with any county employee or</p> <p>8 official about your application or its denial?</p> <p>9 A. I did not.</p> <p>10 Q. Were you given any reason for the</p> <p>11 denial?</p> <p>12 A. No, I was not.</p> <p>13 Q. Why did you want a permit to carry a</p> <p>14 concealed weapon?</p> <p>15 A. Because I would like to exercise my</p> <p>16 Second Amendment right of bearing arms.</p> <p>17 Q. Why did you think you needed to bear</p> <p>18 arms?</p> <p>19 A. Could you rephrase that question? To</p> <p>20 bear arms, I wished to exercise my right, and</p> <p>21 my right of free speech as well, just like my</p> <p>22 right of free speech.</p> <p>23 Q. Why did you want to exercise your Second</p> <p>24 Amendment right?</p> <p>25 A. I -- Because I wanted -- I had no reason</p>	<p style="text-align: right;">10</p> <p>1 Q. When was that?</p> <p>2 A. I cannot give you the timeline. I do</p> <p>3 not know or recall.</p> <p>4 Q. Was it before or after you applied for</p> <p>5 your permit?</p> <p>6 A. It was before.</p> <p>7 Q. I don't want to put words in your mouth,</p> <p>8 but I want to see if I can summarize what you</p> <p>9 just told me. You applied for a permit to</p> <p>10 carry a concealed weapon because you believe</p> <p>11 the Second Amendment entitles you to that</p> <p>12 permit; is that right?</p> <p>13 A. Correct.</p> <p>14 Q. That -- Your reason for seeking a permit</p> <p>15 was you thought you had a right to have one?</p> <p>16 A. Correct.</p> <p>17 Q. There was no specific incident that made</p> <p>18 you feel like you needed to carry a concealed</p> <p>19 weapon in order to protect yourself?</p> <p>20 A. No, there was not.</p> <p>21 Q. Was it your idea to apply for this</p> <p>22 permit or did someone suggest that you should?</p> <p>23 A. It was my idea.</p> <p>24 Q. Has anything bad happened to you since</p> <p>25 the permit was denied because you were unable</p>
<p style="text-align: right;">9</p> <p>1 other than I want to exercise my Second</p> <p>2 Amendment right to protect myself.</p> <p>3 Q. Did you feel like you needed to carry a</p> <p>4 concealed weapon to protect yourself?</p> <p>5 A. I feel that there are times when I could</p> <p>6 carry concealed to protect myself.</p> <p>7 Q. What times would those be?</p> <p>8 A. Those would be any times that I would be</p> <p>9 in danger of my life.</p> <p>10 Q. Was there some specific time when you</p> <p>11 felt like you were in danger for your life?</p> <p>12 A. Currently no, there has not been.</p> <p>13 Q. Was there in 2008 when you applied for</p> <p>14 the permit?</p> <p>15 A. No, there was not. But there were also</p> <p>16 other family members who had their lives</p> <p>17 threatened.</p> <p>18 Q. Who?</p> <p>19 A. That would be my father.</p> <p>20 Q. Anyone else?</p> <p>21 A. No.</p> <p>22 Q. Who threatened him?</p> <p>23 A. It was on an internet web site which no</p> <p>24 one -- where someone said, Someone needs to</p> <p>25 shoot Paul Dorr.</p>	<p style="text-align: right;">11</p> <p>1 to carry a concealed weapon?</p> <p>2 A. No, thankfully nothing has.</p> <p>3 Q. Has there been any times since the</p> <p>4 permit was denied where you thought to</p> <p>5 yourself, I sure wish I could carry my gun?</p> <p>6 A. No, there has not.</p> <p>7 Q. Why have you not reapplied?</p> <p>8 A. Because the sheriff told me to reapply</p> <p>9 when I was 21.</p> <p>10 Q. How old were you when you submitted your</p> <p>11 application?</p> <p>12 A. 18.</p> <p>13 Q. Do you own firearms?</p> <p>14 A. No.</p> <p>15 Q. Have you ever?</p> <p>16 A. No.</p> <p>17 MR. PHILLIPS: I don't think I have</p> <p>18 any other questions. Thank you. Are we done?</p> <p>19 MR. FAHNLANDER: Let me -- I need</p> <p>20 to -- I need to figure out -- I need to spend a</p> <p>21 few minutes determining whether I want to do</p> <p>22 any redirect.</p> <p>23 MR. PHILLIPS: Okay. What do you</p> <p>24 want me to do, call back in 15 minutes?</p> <p>25 MR. FAHNLANDER: Ten minutes.</p>

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<p style="text-align: right;">12</p> <p>1 MR. PHILLIPS: Okay. I'm going to 2 hang up. I'll call back at 11:20. MR. FAHNLANDER: Okay. MR. PHILLIPS: Thank you. * * * 6 (A recess was taken from 11:10 a.m. to 7 11:20 a.m.) * * * 9 MR. PHILLIPS: Okay. Vince, do you 10 have any questions? 11 MR. FAHNLANDER: Yes, I do. I've 12 got some questions. 13 EXAMINATION 14 BY MR. FAHNLANDER: 15 Q. Alex, this is Vince Fahnländer, and I've 16 got a few questions for you. When you applied 17 for the concealed carry permit, did you fill 18 out an application? 19 A. Yes, I did. 20 Q. And do you believe that you met the 21 criteria that was required under the Iowa 22 statute? 23 A. Yes, I do. 24 Q. And at the time that you applied were 25 you over 18 years of age?</p>	<p style="text-align: right;">14</p> <p>1 Q. And have you ever been convicted of any 2 harassment? 3 A. No. 4 Q. And when you applied -- Let me strike 5 that. Have you ever had the chance to speak to 6 Sheriff Weber? 7 A. Yes, I have. 8 Q. And what were the circumstances of your 9 speaking to Sheriff Weber? 10 A. I was working for the OCTA and passing 11 out pamphlets at a manufacturing plant in 12 Sibley, and they called the police on us, said 13 they thought we were trespassing. And Sheriff 14 Weber came out and he talked to me. He said, I 15 see that you are on the public right-of-way and 16 you are out of the flow of traffic. You are 17 legally allowed to be there, so I will tell 18 them I cannot tell you to leave. And he got 19 into his police car and left. 20 Q. When you -- When this incident occurred, 21 were you working under -- under your father? 22 A. Yes. 23 Q. And so you were helping him in his 24 consulting work for the OCTA? 25 A. Yes, I was.</p>
<p style="text-align: right;">13</p> <p>1 A. Yes, I was. 2 Q. Have you ever been -- Had you ever been 3 convicted of a felony? 4 A. No. 5 Q. And have you since your application ever 6 been convicted of a felony? 7 A. No, I have not. 8 Q. At the time of your application were you 9 addicted to the use of alcohol or any 10 controlled substances? 11 A. I was not and am not. 12 Q. And at the time of your application had 13 you any history of repeated acts of violence? 14 A. No, nor since. 15 Q. Okay. And do you believe that you 16 constitute a danger to any person? 17 A. No, I do not. 18 Q. And do you believe you constituted a 19 danger to any person prior to your application 20 in the year 2008? 21 A. No. 22 Q. And have you ever been convicted of any 23 crimes defined under Chapter 708, including 24 assaults? 25 A. No.</p>	<p style="text-align: right;">15</p> <p>1 Q. And was this -- was this interaction you 2 had with Sheriff Weber, was that before you 3 applied for your permit? 4 A. Yes, it was. It was late spring or 5 early summer of 2007. 6 Q. And when you were handing out the 7 leaflets, you know, were you on public 8 property? 9 A. Yes, I was. 10 Q. And did you believe that you had a First 11 Amendment right to be doing what you were 12 doing? 13 A. Yes, I did. 14 Q. Did Sheriff Weber know that you were 15 handing out leaflets and flyers for the Osceola 16 County Taxpayers Association? 17 A. Yes, I believe he did. If I remember 18 correctly, I believe I handed him one. 19 Q. Okay. And -- and when you applied for 20 your permit, did you believe the denial was 21 related at least in part to your connection 22 with the Osceola County Taxpayers Association? 23 A. Yes, I did, and in part to my dad. 24 Q. Okay. Now once you applied, did Sheriff 25 Weber ever give you an opportunity to come in</p>

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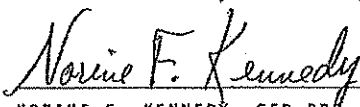
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<p>16</p> <p>1 to his office and meet with him?</p> <p>2 A. Never.</p> <p>3 Q. Did he give you any sort of an</p> <p>4 opportunity to prove that you either had a need</p> <p>5 to carry a -- for a permit or that you were</p> <p>6 mature enough to have a permit?</p> <p>7 A. No, he did not.</p> <p>8 Q. And do you believe that any application</p> <p>9 on your part prior to your turning 21 would be</p> <p>10 rejected by Sheriff Weber?</p> <p>11 A. Yes, I believed it would.</p> <p>12 MR. FAHNLANDER: That's all I have.</p> <p>13 Alex. Thank you.</p> <p>14 EXAMINATION</p> <p>15 BY MR. PHILLIPS:</p> <p>16 Q. I have a couple more questions.</p> <p>17 Mr. Dorr, did you -- At any time after you were</p> <p>18 denied a permit, did you ask Sheriff Weber to</p> <p>19 meet and talk about this?</p> <p>20 A. No, I did not.</p> <p>21 Q. Is there any reason why you think</p> <p>22 there's a connection between your leaflet</p> <p>23 activity and the denial of your subsequent</p> <p>24 application other than the timing of those two</p> <p>25 events?</p>	<p>18</p> <p>1 MR. PHILLIPS: Okay.</p> <p>2 MR. FAHNLANDER: All right.</p> <p>3 MR. PHILLIPS: I'll forward it to</p> <p>4 the court reporter then.</p> <p>5 MR. FAHNLANDER: Very good.</p> <p>6 MR. PHILLIPS: Thank you everyone.</p> <p>7 MR. FAHNLANDER: Thank you.</p> <p>8 * * *</p> <p>9 <u>END OF DEPOSITION AT 11:34 A.M., 01/13/2010</u></p> <p>10 * * *</p>
<p>17</p> <p>1 A. No.</p> <p>2 MR. PHILLIPS: Those are all the</p> <p>3 questions I have.</p> <p>4 MR. FAHNLANDER: Alex, you have the</p> <p>5 right to read and sign your deposition, and</p> <p>6 I'll instruct you that I think you should read</p> <p>7 and sign.</p> <p>8 THE WITNESS: Okay.</p> <p>9 MR. FAHNLANDER: Thank you. That's</p> <p>10 all I have.</p> <p>11 MR. PHILLIPS: Vince, when is Alex</p> <p>12 leaving for school? We need to know where to</p> <p>13 send this transcript.</p> <p>14 PAUL DORR: Can I interrupt? Can</p> <p>15 it be e-mailed?</p> <p>16 MR. FAHNLANDER: Well, Alex -- How</p> <p>17 about Alex will give me his address where he</p> <p>18 can be contacted and then I'll provide that to</p> <p>19 you. How does that sound?</p> <p>20 MR. PHILLIPS: That's fine. My</p> <p>21 concern is that when this transcript is ready</p> <p>22 to be read and signed, we won't know where he</p> <p>23 is, so that's --</p> <p>24 MR. FAHNLANDER: That's fine. I'll</p> <p>25 provide that to you.</p>	<p>19</p> <p>1 <u>CERTIFICATE OF REPORTER</u></p> <p>2 I, Norine F. Kennedy, Certified</p> <p>3 Shorthand Reporter in and for the State of</p> <p>4 Iowa, do hereby certify as follows:</p> <p>5 1. That the deponent aforementioned was</p> <p>6 duly sworn prior to the taking of this</p> <p>7 deposition.</p> <p>8 2. That I took down in shorthand,</p> <p>9 correctly, the testimony of said deponent and</p> <p>10 have caused the same to be transcribed, and</p> <p>11 that this deposition is a true and correct</p> <p>12 record of the testimony given by said deponent</p> <p>13 at the time I affix my signature to this</p> <p>14 certificate. The witness did request the</p> <p>15 opportunity to read and sign the deposition.</p> <p>16 3. That the cost for reporting and</p> <p>17 transcribing this deposition is in the sum of</p> <p>18 \$____, said sum to be advanced and paid to</p> <p>19 Kennedy & Kennedy, Certified Court Reporters,</p> <p>20 308 24th Street, Sioux City, Iowa 51104, prior</p> <p>21 to the use of said deposition at trial, by</p> <p>22 Mr. Douglas Phillips, Attorney of Sioux City,</p> <p>23 Iowa.</p> <p>24 4. That the original transcript of</p> <p>25 this deposition is to be filed with Mr. Douglas</p>

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<p>1 Phillips. 2 5. That a copy is to be delivered 3 to Mr. Douglas Phillips and Mr. Vincent 4 Fahnlander. 5 6. I further certify that I am not 6 related by consanguinity or affinity within the 7 fourth degree to any party, his attorney, or 8 any employee of any of them; that I am not 9 financially interested in this action, and that 10 I am not the attorney or employee of any party. 11 7. No exhibits were marked in this 12 deposition. 13 To all of which I have verily 14 affixed my signature this 18th day of January, 15 2010. 16  17 NORINE F. KENNEDY, CSR-RPR 18 Kennedy & Kennedy 19 Certified Court Reporters 20 308 24th Street 21 Sioux City, Iowa 51104 22 (712) 252-1405 23 24 25</p>	<p>1 CASE NAME: DORR vs. WEBER et al 2 3 <u>CERTIFICATE OF DEPONENT</u> 4 I, the undersigned deponent, do hereby 5 certify under oath that I did read the 6 foregoing pages of transcript and that any 7 corrections I want to make to the foregoing 8 pages of transcript have been set out on the 9 foregoing Addendum, and that I have indicated 10 the correction itself, the page and line number 11 of the correction, and the reason for the 12 correction, if any. 13 In witness whereof, I have hereunto 14 affixed my signature on this ____ day of 15 _____, 2010, before the undersigned Notary 16 Public. 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">_____ ALEXANDER DORR</p> <p>I hereby certify I did witness the above signature on this the ____ day of _____, 2009, in the City of _____, County of _____, State of _____.</p> <p style="text-align: center;">_____ NOTARY PUBLIC</p> <p>My commission expires: _____.</p>
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<p>1 CASE NAME: DORR vs. WEBER et al 2 3 <u>ADDENDUM TO DEPOSITION</u> 4 <u>EXAMPLE</u> 5 <u>Page</u> <u>Line</u> <u>Change and Reason</u> 6 3 2 Smith to Schmitz (Correction) 7 Misspelling 8 28 11 \$144 to \$175 (Correction) 9 Refreshed memory from files 10 after deposition was taken. 11 12 13 14 15 To all of which I affix my signature this ____ 16 day of _____, 2010, at the city of _____, 17 state of _____. 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">_____ ALEXANDER DORR</p> <p>I did witness the above signature on the ____ day of _____, 2010, in the city of _____, state of _____.</p> <p style="text-align: center;">_____ NOTARY PUBLIC</p>	<p>21 22 23 24 25</p>
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5:08-cv-04093-MWB/ Plt. Ex. 13/ (8)

1 CASE NAME: DORR vs. WEBER et al

2

ADDENDUM TO DEPOSITION

3 EXAMPLE

4 Page Line Change and Reason

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Smith to Schmitz (Correction)
Misspelling

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\$144 to \$175 (Correction)
Refreshed memory from files
after deposition was taken.

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Leigh to Lee
Misspelling

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To all of which I affix my signature this 28
day of January, 2010, at the city of Buford
16 , state of Georgia.

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18

Alex. Dorr
ALEXANDER DORR

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I did witness the above signature on the 28th
day of Jan, 2010, in the city of Buford
21 , state of Georgia.

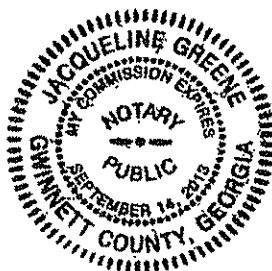
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Jacqueline Greene
NOTARY PUBLIC



1 CASE NAME: DORR vs. WEBER et al

2

3 CERTIFICATE OF DEPONENT

4

5 I, the undersigned deponent, do hereby
6 certify under oath that I did read the
7 foregoing pages of transcript and that any
8 corrections I want to make to the foregoing
9 pages of transcript have been set out on the
10 foregoing Addendum, and that I have indicated
11 the correction itself, the page and line number
12 of the correction, and the reason for the
13 correction, if any.

14

15 In witness whereof, I have hereunto
16 affixed my signature on this 28th day of
17 January, 2010, before the undersigned Notary
18 Public.

19

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21

22

Alex Dorr
ALEXANDER DORR

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24 I hereby certify I did witness the above
25 signature on this the 28th day of Jan.,
2009, in the City of Buford, County of
Gwinnett, State of Georgia.

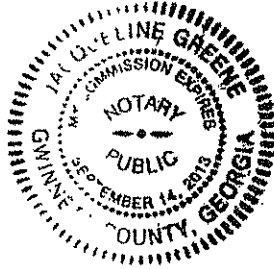
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Jacqueline Greene
NOTARY PUBLIC

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My commission expires: Sept. 14 2013.

